

CHAPTER 33-03-30
CONSTRUCTION STANDARDS FOR RESIDENTIAL CARE FACILITIES FOR
CHILDREN WITH AUTISM

Section

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33-03-30-01. Definitions. In this chapter, unless the context or subject matter requires otherwise:

1. "Ambulatory" means able to walk without assistance.
2. "Department" means the state department of health and consolidated laboratories.
3. "Developmental disability" includes children with autism.
4. "Mobile nonambulatory" means unable to walk without assistance, but able to move from place to place with the use of a walker, crutches, a wheelchair, or a wheeled platform.
5. "Nonambulatory" means unable to walk without staff assistance.
6. "Nonmobile" means unable to move from place to place without staff assistance.
7. "Residential care facility for children with autism" means a residential facility providing a homelike atmosphere designed and arranged to meet the needs of ambulatory autistic children capable of taking action for self-preservation consistent with the fire code requirements.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-09.4-01, 23-09.4-02

33-03-30-02. Location of residential care facilities for children with autism - Hazardous areas.

1. Residential care facilities for children with autism must be located at least three hundred feet [91.44 meters] from hazardous areas such as bulk fuel or chemical storage areas, anhydrous ammonia facilities, or other fire hazards or sources of noxious or odoriferous emissions.

2. Residential care facilities for children with autism may not be located in areas subject to adverse environmental conditions such as mud slides, harmful air pollution, smoke or dust, sewage hazards, rodent or vermin infestations, excessive noise, vibration, or vehicular traffic.
3. Residential care facilities for children with autism may not be located in an area within the one hundred year flood base elevations unless the lowest floor elevation is above the one hundred year base flood elevation and the facility is free from significant adverse effects of the velocity of moving water or by wave impact during the one hundred year flood.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02

33-03-30-03. Fire safety.

1. Residential care facilities for children with autism must be located in areas served by an organized fire department.
2. Residential care facilities for children with autism must comply with chapter twenty-one of the 1988 edition of the Life Safety Code and its appendices. Residents of the facility must be ambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions.
3. A residential care facility for children with autism for the mobile nonambulatory, nonambulatory, and nonmobile shall comply with chapters twelve or thirteen of the 1988 edition of the Life Safety Code as applicable. The fire safety evaluation system may be utilized in the evaluation of existing buildings.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02

33-03-30-04. Water supply.

1. Residential care facilities for children with autism must be located in areas where public or private water supplies approved by the department are available. Approved public water supplies must be used where available.

2. When a private water supply is utilized, annual water samples must be submitted to the department and analyzed to determine bacteriological and nitrate content.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02

33-03-30-05. Sewage disposal.

1. Residential care facilities for children with autism must be located in areas where public or private sewage systems approved by the department are available. Approved public sewage disposal systems must be used where available.
2. Plan and specifications for proposed private sewage disposal systems or alteration to such systems must be approved by the department prior to their construction.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02

33-03-30-06. Physical plant. Buildings housing facilities for children with autism shall:

1. Provide a design making:
 - a. The residential care facility for children with autism for the ambulatory developmentally disabled accessible to nonambulatory visitors and employees, with at least one bathroom accessible to and usable by such visitors and employees. When the facility houses only ambulatory persons, the department may waive this requirement and the balance of the handicapped standards in North Dakota Century Code section 48-02-19. The waiver may be granted when only ambulatory developmentally disabled persons are served.
 - b. The residential care facility for children with autism for the mobile nonambulatory, nonambulatory, and nonmobile developmentally disabled comply with North Dakota Century Code section 48-02-19.
2. Be constructed to accommodate no more than fifteen eligible residents.
3. Be limited in size to a maximum of three hundred fifty square feet [32.52 square meters] per resident for the first eight residents, inclusive of space for employees. Facilities of more than eight resident beds must be

limited to one hundred seventy-five square feet [16.26 square meters] per additional resident bed.

4. Provide space for dining, kitchen, family living, and recreation including outdoor play area, utility, and bedrooms as an integral part of a single structure.
5. Meet these sleeping area standards:
 - a. Require no more than two residents to share a bedroom other than on a temporary basis not to exceed ten days.
 - b. Provide no less than one hundred square feet [9.29 square meters] of floor area exclusive of bathroom and closet space for single occupancy bedrooms.
 - c. Provide no less than eighty square feet [7.43 square meters] per bed of floor space exclusive of closet and bathroom space in double occupancy bedrooms.
 - d. Locate bedrooms on an outside wall and separate them from other rooms and spaces by walls extending from floor to ceiling.
 - e. Locate bedrooms at or above grade level to provide sufficient window space to accommodate adequate lighting.
6. Provide at least one full bathroom for every four residents.
7. Be designed to accommodate the resident's privacy, with bedrooms and bathrooms arranged to provide separation of male and female residents.
8. Provide sufficient space in the kitchen to permit the participation of residents as well as staff in food preparation. Provide appropriate space and equipment, including two-compartment sink, to adequately serve the food preparation and storage requirements of the facility.
9. Provide sufficient laundry space to include, in addition to a washer and dryer, storage for laundry supplies, accommodation for ironing, and counterspace for folding clothing and linens.
10. Provide sufficient areas appropriate for group and individual classroom activities, recreational and leisure activities, special therapy, and family visiting activities.
11. Provide staff accommodations including space to accommodate employees, limited to living room, efficiency kitchen, one full bathroom, and a double occupancy bedroom, when as a condition of employment they must live onsite or a multipurpose space usable for sleeping for employees serving in shifts. Staff accommodations other than

bedroom space, for employees required to live onsite may be utilized jointly by staff and residents.

12. Provide sufficient storage, in addition to closet space, to accommodate the storage of out-of-season clothing, outdoor furniture, garden tools, lawnmower, and other equipment as needed.
13. Provide a tempering valve, located to preclude resident access, to control the temperature of hot water supplied to lavatories and bathing facilities. The tempering valve must permit control of temperature in the range of one hundred ten degrees Fahrenheit [47.22 degrees Celsius] to one hundred forty degrees Fahrenheit [60 degrees Celsius]. Hot water supplied to clothes washers and dishwashers must be one hundred thirty-five to one hundred forty degrees Fahrenheit [57.22 to 60 degrees Celsius].
14. Be equipped with emergency lighting capable of sustained battery operation.
15. Provide for maintenance of building and equipment including:
 - a. The interior and exterior of the building must be clean, orderly, and in good repair.
 - b. All essential mechanical and electrical equipment must be maintained in a safe operating condition.
 - c. Resident care equipment must be clean and maintained in a safe operating condition.
 - d. There must be limitation of sound at comfort levels.
 - e. Provision must be made for adequate and comfortable lighting levels in all areas.
 - f. All resident areas must be clean, sanitary, and free from odors.
 - g. A comfortable room temperature must be maintained.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02

33-03-30-07. Waiver process. Upon written application, the department may grant a waiver from specific provisions of this chapter, except no waiver may be granted which may permit or authorize a danger to the health or safety of residents or impede their normalization process. Waivers specific to Life Safety

Code requirements must be approved in writing by the state fire marshal prior to department approval.

History: Effective February 1, 1992.

General Authority: NDCC 23-09.4-02, 23-09.4-07

Law Implemented: NDCC 23-01-03, 23-09.4-02